

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**JESSIE MAE DAVIS,**

**Plaintiff,**

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**)Civil Action No.**  
**)3:05-cv-00995-MHT-CSC**

**AMERICAN INTERNATIONAL GROUP, INC.; AMERICAN GENERAL CORPORATION; AMERICAN GENERAL FINANCIAL SERVICES OF ALABAMA, INC.; MERIT LIFE INSURANCE COMPANY; ALICIA ROBINSON; PATRICIA PORTER; and Fictitious Defendants “A”, “B”, and “C”, whether Singular or plural, those other persons, Corporations, firms, or other entities whose wrongful conduct caused the injuries and damages to the Plaintiff, all of whose true and correct names are unknown to Plaintiffs at this time, but will be substituted by amendment when ascertained,**

## Defendants.

**MOTION TO REMAND**

Plaintiff moves this Honorable Court, pursuant to 28 U.S.C. §1447, to remand this case to the Circuit Court of Macon County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction over this action.
2. There is no “federal question” to afford this Court jurisdiction pursuant to 28 U.S.C. §1331 because:

- (a) This case does not arise under the Constitution, laws, or treatise of United States; and

(b) The only claims asserted by Plaintiff are for violations of Alabama law.

3. Removal is improperly based on the grounds of diversity of citizenship. Defendants Alicia Robinson and Patricia Porter have not been fraudulently joined and this Court should consider their citizenship.

4. Removal is improper, because Defendants fail to prove that the amount in controversy is satisfied.

5. These issues will be addressed in the Memorandum Brief filed with this Motion.

/s/ Charles Lance Gould  
C. LANCE GOULD (GOU007)  
Attorney for Plaintiff

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have filed the original of the foregoing document in this Court with copies to be served upon all Counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 16<sup>th</sup> day of November, 2005.

/s/ Charles Lance Gould  
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